

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ALVION PROPERTIES, INC.,)	
SHIRLEY K. MEDLEY, and)	
HAROLD M. REYNOLDS,)	
)	
Plaintiffs,)	
)	Civil No. 3:08-0866
v.)	Judge Trauger
)	Magistrate Judge Bryant
BERND H. WEBER, RAYMONDE WEBER,)	
CLAUDE J. CHAUVEAU,)	
AMERICAN GULF FINANCE CORP.,)	
ALVION PARTNERS, LLC,)	
AGF REALTY SOLUTIONS, INC., and)	
TIME DATA HOLDINGS, LLC,)	
)	
Defendants.)	

ORDER

On December 23, 2010, the Magistrate Judge issued a Report and Recommendation (Docket No. 355), to which the defendants have filed objections (Docket No. 379). Pursuant to Rule 72(b), FED. R. CIV. P., and 28 U.S.C. § 636(b)(1)(C), this court must review *de novo* any portion of the Report and Recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001); *Massey v. City of Ferndale*, 7 F.3d 506, 510 (6th Cir. 1993).

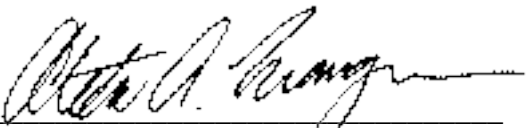
The defendants moved to dismiss the pleadings of plaintiff Alvion Properties, Inc. for failure to timely comply with Local Rules concerning the appearance of counsel in civil cases. Local Rule 83.01(d)(3) requires that corporations must be represented by an attorney “duly admitted or authorized to practice before this Court.” Local Rule 83.01(h)(1) requires the appearance of local counsel if none of the counsel appearing on behalf of a party “is a resident of or has his principal law office in the State of Tennessee.”

It is true that the corporate defendant was extremely tardy in securing representation and then adding the appearance of local counsel because Darrel Dunham was not a resident of Tennessee, nor did he have a law office in this state. However, in the interest of deciding cases on their merits and because the corporate plaintiff was in compliance with both local rules by the time the Magistrate Judge ruled on the defense motion, he denied the motion.

This court finds the defendants' arguments, supported by citations to General Sessions Court local rules and other authority not binding on this court, unpersuasive. The defendants' Objections are therefore **OVERRULED**. The Report and Recommendation is **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein and herein, it is hereby **ORDERED** that the Motion to Dismiss Pleadings of Plaintiff Alvion Properties, Inc. filed by the defendants (Docket No. 279) is **DENIED**.

It is so **ORDERED**.

Enter this 26th day of January 2011.



ALETA A. TRAUGER
United States District Judge